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**Control No. 2004-003**

Recording requested by:

**City of Milpitas**

When recorded mail to:

**City of Milpitas**

**City Engineer's Office**

**455 E. Calaveras Blvd.**

**Milpitas, Ca 95035**

Record without fee under Sections

6103 and 27383 -Government Code,  
State of California

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS  
AUTHORIZING THE LOT LINE ADJUSTMENT**

WHEREAS, there has been submitted to the City Council of the City of Milpitas, a legal description and plat describing proposed adjustments to the lot line between Parcel 1 (Deed recorded March 18, 1953 in Book 2601 of Official Records, page 353) and Parcel 2 (Deed recorded March 16, 1909 in Volume 227 of Deeds, at page 458) of the Santa Clara County Records; and

WHEREAS, pursuant to Government Code section 66412 (d), the California Subdivision Map Act does not apply to lot line adjustments between four or fewer adjoining parcels where the land taken from one parcel is added to an adjoining parcel and where no greater number of parcels is created than originally existed; and

WHEREAS, the property line adjustment set forth in Exhibit "A" attached hereto and incorporated herein by this reference to adjust the common lot line between the subject parcels, is in conformance with the provisions of Government Code section 66412 (d) and complies with Title II and Title XI of the Milpitas Municipal Code.

WHEREAS, The parcels resulting from the lot line adjustment will conform to the City's general plan, and applicable zoning and building ordinances.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas California, that the lot line adjustment described on Exhibit "A" attached hereto this Resolution be approved; subject to the following conditions:

1. The lot line adjustment is not valid until the property owner records a deed reflecting the lot line adjustment as shown on Exhibit "A". A copy

of the recorded deed with the authorizing resolution shall be submitted to the City by the owner.

2. Reference is made to Sections 8762 and 8762.5 of the Land Surveyor's Act. Recordation of a record of survey maybe required in accordance with the above act.

BE IT FURTHER RESOLVED, that the City Clerk is directed to cause a certified copy of this resolution, attested under seal of the City of Milpitas to be recorded in the office of the County Recorder of Santa Clara County.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Gail Blalock, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven Mattas, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION  
EXISTING PARCEL 1  
APN 86-27-46  
BEFORE LOT LINE ADJUSTMENT

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

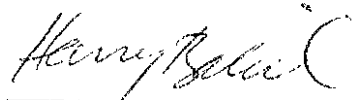
A portion of Lot 9 of the Milpitas Rancho in the Third judicial District Court of the County of Santa Clara, State of California Frederick Crighton et al vs. James C. Gould et al, Action No. 2882, and more particularly described as follows:

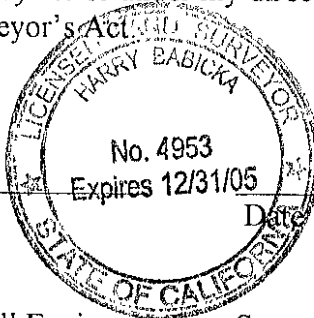
Beginning at a point on the Southerly rights of way line of East Carlo Street (formerly Calaveras Road) distant thereon Westerly 80 feet from the point of intersection of said Southerly line of East Carlo Street (formerly Calaveras Road) with the Westerly line of the right of way of the lands of Southern Pacific Transportation Company (formerly Central Pacific Railroad Company), thence along said Southerly line of East Carlo Street Westerly 163 feet to the Easterly line of South Main Street (formerly San Jose-Oakland Road); thence along the Easterly line of South Main Street Southerly 149.10 feet to the Northwestern corner of land conveyed by Edward Topham to David S. Boyce et al, by deed recorded March 16, 1909 in Volume 227 of Deeds, at page 458 Santa Clara County Records; thence Easterly along the Northerly line of the land so conveyed by David S. Boyce 163.50 feet more or less to a point thereon distant Westerly 80 feet from the said Westerly line of said land and right of way of said lands of Southern Pacific Transportation Company; thence parallel with said Westerly line of said land and right of way Northerly 149 feet, more or less to the point of beginning.

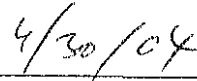
Containing 0.558 acres more or less.

See attached Plat (sheet 4 of 4) attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Harry Babicka, L.L.S. 4953  
Expires: 12/31/05



  
Date

Prepared by the firm of Westfall Engineers, Inc., Saratoga, CA

EXHIBIT "A"

LEGAL DESCRIPTION  
EXISTING PARCEL 2  
APN 86-27-32  
BEFORE LOT LINE ADJUSTMENT

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

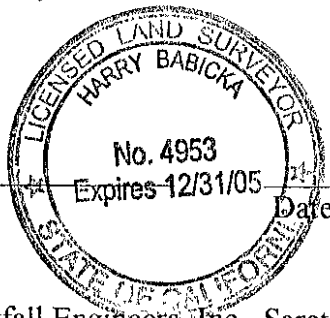
Beginning at a point in the Easterly rights of way line of South Main Street, formerly the San Jose-Oakland Road, said point being the Northwest corner of that parcel of land designated as Parcel 1 in the Deed to Raymond Madruga, et ux, recorded on February 11, 1963 in Book 5904 of Official Records, page 159; thence along the Northerly line of said Parcel 1 and the Northerly line of Parcel 2 as set forth in said Deed to Raymond Madruga above referred to, North 78 Degrees 41 Minutes East, a distance of 243.39 feet, more or less, to the Westerly line of land and right of way of the Southern Pacific Transportation Company; thence Northerly and along said Westerly line 58.00 feet, more or less, to the Southeast corner of the parcel of land designated as Parcel 8 in the Deed to Frank J Terra, et ux, recorded on April 27, 1964 in Book 6478 of Official Records, Page 320; thence Westerly along the Southerly line of said Parcel No. 8, 84 feet, more or less, to the Southwest corner thereof; thence Northerly along the Westerly line thereof to the intersection thereof with the Southerly line of that parcel of land conveyed to Betsy Frank by Deed recorded March 18, 1953 in Book 2601 of Official Records, page 353; thence Westerly along said Southerly line 159.00 feet more or less to the intersection thereof with the Easterly line of South Main Street; thence southerly along said Easterly line 134.00 feet, more or less, to the point of beginning.

Containing 0.62 acres more or less.

See attached Plat (Sheet 4 of 4) attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

*Harry Babicka*  
Harry Babicka, L.L.S. 4953  
Expires: 12/31/05



*4/30/08*  
Date

Prepared by the firm of Westfall Engineers, Inc., Saratoga, CA

EXHIBIT "A"

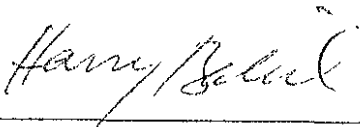
LEGAL DESCRIPTION  
PARCEL A  
APN 86-27-32 AND 46  
AFTER LOT LINE ADJUSTMENT

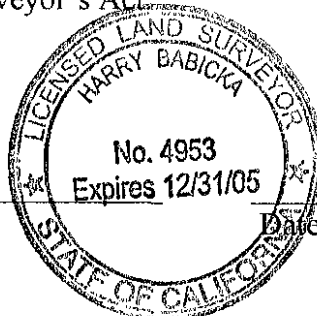
All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Beginning at a point in the Easterly rights of way line of South Main Street, formerly the San Jose-Oakland Road, said point being the Northwest corner of that parcel of land designated as Parcel 1 in the Deed to Raymond Madruga, et ux, recorded on February 11, 1963 in Book 5904 of Official Records, page 159; thence Northerly along the Easterly rights of way line of South Main Street North 11 Degrees 14 Minutes West a distance of 282.71 feet to the intersection of said Easterly rights of way line of South Main Street with Southerly rights of way line of East San Carlo Street (formerly Calaveras Road); thence along said Southerly rights of way line of East San Carlo Street North 74 Degrees 35 Minutes 45 Seconds East a distance of 163.08 feet; thence leaving said rights of way line South 11 Degrees 25 Minutes 08 Seconds East a distance of 149.10 feet; thence South 74 Degrees 35 Minutes 45 Seconds West a distance of 4.50 feet; thence South 11 Degrees 25 Minutes 08 Seconds East a distance of 87.38 feet; thence North 78 Degrees 45 Minutes 59 Seconds East a distance of 84.30 feet to the Westerly rights of way line of lands of Southern Pacific Transportation Company (formerly Central Pacific Railroad Company); thence along said Westerly rights of way line South 11 Degrees 25 Minutes 08 Seconds East a distance of 57.76 feet; thence leaving said rights of way line South 78 Degrees 45 Minutes 59 Seconds West a distance of 243.41 feet to the point of beginning.

Containing 1.178 acres (51,303 square feet) more or less.  
See attached Plat (sheet 4 of 4) attached hereto and made a part hereof.

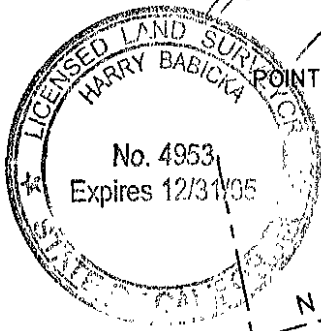
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Harry Babicka, L.L.S. 4953  
Expires: 12/31/05



4/30/04  
Date

Prepared by the firm of Westfall Engineers, Inc., Saratoga, CA



*Harry Babicka*

MINSON STREET

SCALE: 1"=60'

POINT OF BEGINNING EX. PARCEL 1

N 74°35'45" E 182.44' (N 74°30'E)  
EAST CARLO STREET  
(CALAVERAS ROAD)  
N 74°35'45" E 163.08' (N 74°30'00"E)

AVATAMSAKA BUDDHIST LOTUS  
SOCIETY  
EX. PARCEL 1  
APN 86-27-46

EXISTING PARCEL LINE TO BE  
ELIMINATED

BOOK 2601  
1.178 O.R.  
PARCEL A  
159.06' (159.00')  
S 74°36'27" W 282.71' (282.00')  
133.61' (134.00')

EX. PARCEL 2  
APN 86-27-32  
AVATAMSAKA BUDDHIST LOTUS  
SOCIETY

P O M E R O Y  
APN 86-27-35

APN 86-27-42  
SOUTHERN PACIFIC TRANSPORTATION COMPANY  
(FORMERLY CENTRAL PACIFIC RAILROAD COMPANY)  
S 11°25'08"E 300.39' (300.00')  
S 11°32'15"E 242.63' (242.00')

(BOOK 6478  
O.R., PAGE 320)

N 78°45'59"E 84.30' (84.00')  
S 11°25'08"E 57.76' (58.00')

S 78°45'59"W 243.41' (S 78°41'E 243.39')

MILPITAS COMFORT INN  
APN 86-27-44  
(BOOK 5904 O.R., PAGE 159)

POINT OF BEGINNING  
PARCEL A AND EX. PARCEL 2

# A PLAT TO ACCOMPANY DESCRIPTION LOT LINE ADJUSTMENT

WESTFALL ENGINEERS, INC.  
14583 BIG BASIN WAY  
SARATOGA, CALIFORNIA 95070  
(408) 867-0244

EXHIBIT "A"

SOUTH MAIN STREET  
(SAN JOSE - OAKLAND HIGHWAY)

( ) RECORD DATA



VICINITY MAP